

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BANK OF AMERICA, N.A.,

Plaintiff

v.

LADERA HOMEOWNERS
ASSOCIATION, et al.,

Defendants

Case No.: 2:16-cv-00394-APG-GWF

Order Granting Motion to Retax Costs

[ECF No. 117]

The clerk of the court rejected plaintiff Bank of America's (BANA's) bill of costs because BANA twice failed to attach an affidavit attesting to the costs as required by 28 U.S.C. § 1924 and Local Rule 54-1(b). ECF No. 116. BANA now argues that its declaration was submitted under penalty of perjury, and under 28 U.S.C. § 1746 such a declaration may substitute for a required affidavit. ECF No. 117. I agree. While the clerk of court cited the proper statute and rule, disallowing all costs under these circumstances would be a "draconian remedy." *Carrington Mortgage Services, LLC v. SFR Investments Pool 1, LLC et. al.*, No. 2:17-cv-01530-JAD-PAL, ECF No. 67 at 3:14-15. Therefore, I will grant the motion and retax the costs.

I have reviewed defendant SFR Investment Pool 1, LLC's response to the motion and objections to BANA's costs. Those objections lack merit. I will grant BANA costs in the amount of \$2,185.00.

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1 I THEREFORE ORDER that the motion to retax costs (**ECF No. 117**) is **GRANTED**.

2 The clerk of court shall tax costs in the amount of \$2,185.00 in favor of plaintiff Bank of
3 America.

4 DATED this 18th day of May, 2020.

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7 ANDREW P. GORDON
8 UNITED STATES DISTRICT JUDGE
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